

**PROPOSING AMENDMENT TO CONSTITUTION VESTING  
LEGISLATURE WITH POWER TO REGULATE MANU-  
FACTURE, SALE, TRANSPORTATION AND  
POSSESSION OF INTOXICATING  
LIQUORS.**

S. J. R. No. 3.]

**SENATE JOINT RESOLUTION.**

A Joint Resolution proposing an Amendment to Article XVI of the Constitution of Texas by striking out Section 20a to Section 20e, both inclusive; prohibiting the open saloon and vesting in the Legislature the power to define and enact laws against such; vesting in the Legislature the power to regulate the manufacture, sale, transportation and possession of intoxicating liquors, including the power to provide for a State Monopoly on the sale of distilled liquors; providing that intoxicating liquors shall not be manufactured, sold, bartered or exchanged in any county, justice's precinct or incorporated city or town wherein the sale of intoxicating liquors had been prohibited by local option election held under the laws in force at the date of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters of such county or political subdivision shall determine such to be lawful at an election held for that purpose; providing that such shall not prohibit the sale of alcoholic beverages containing less than 3.2 per cent alcohol by weight in cities, counties or political subdivisions in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the 43d Legislature; providing for an election on the question of the adoption or rejection of such Amendment; prescribing the form of ballot; providing for the proclamation and publication of such by the Governor and making an appropriation therefor.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Article XVI of the Constitution of Texas be amended by striking out Section 20a to Section 20e, both inclusive, and substitute in lieu thereof the following:

"ARTICLE XVI. Section 20.

"(a) The open saloon shall be and is hereby prohibited. The Legislature shall have the power, and it shall be its duty to define the term 'open saloon' and enact laws against such.

Subject to the foregoing, the Legislature shall have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting

on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties, justice's precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justice's precinct or incorporated town or city, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the 43rd Legislature."

SEC. 2. Such proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on the fourth Saturday in August, 1935, at which election all voters favoring said proposed Amendment, shall write, or have printed on their ballots the words:

"FOR THE AMENDMENT TO THE STATE CONSTITUTION REPEALING STATEWIDE PROHIBITION, PROHIBITING THE OPEN SALOON AND PROVIDING FOR LOCAL OPTION."

And those voters opposed to said proposed Amendment shall write or have printed on their ballots the words:

"AGAINST THE AMENDMENT TO THE STATE CONSTITUTION REPEALING STATEWIDE PROHIBITION, PROHIBITING THE OPEN SALOON AND PROVIDING FOR LOCAL OPTION."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

SEC. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

SEC. 4. The sum of Eight Thousand (\$8,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out

of the State Treasury to pay for the expenses of said publication and election.

[NOTE.—S. J. R. No. 3 passed the Senate, May 1, 1935, by a vote of 27 yeas, 3 nays; passed the House, May 1, 1935, by a vote of 123 yeas, 11 nays.]

Filed in Department of State, May 11, 1935, without the Governor's signature.

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**PROPOSING AN AMENDMENT TO CONSTITUTION PROVIDING THAT CONSTITUTIONAL AMENDMENTS MAY BE SUBMITTED BY THE LEGISLATURE AT SPECIAL SESSIONS UNDER CERTAIN CONDITIONS.**

H. J. R. No. 48.]

**HOUSE JOINT RESOLUTION.**

House Joint Resolution proposing an amendment to Section 1, of Article XVII, of the Constitution of Texas, providing that Constitutional Amendments may be submitted by the Legislature at Special Sessions under certain conditions; providing for an election on the question of the adoption of such amendment and providing for the proclamation and the publication thereof; describing the form of ballot, and making an appropriation therefor.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Section 1, of Article XVII, of the Constitution of the State of Texas, be amended so as to hereafter read as follows:

"Section 1. How the Constitution is to be Amended. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each House, to be entered by yeas and nays on the Journals, may propose Amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed Amendments shall be duly published once a week for four (4) weeks, commencing at least three (3) months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election, to open a poll for, and make returns to the Secretary of State of the number of legal votes cast at said election for and against said Amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return, that a majority of the